

REMARKS

The Examiner is thanked for the telephone interview courteously granted to the undersigned, in connection with the above-identified application. During this telephone interview, the obviousness-type double patenting rejection set forth in Item 2 on pages 2 and 3 of the Office Action mailed August 24, 2005 (hereinafter "Office Action"), was discussed, and differences between the subject matter claimed in the above-identified application and the subject matter claimed in U.S. Patent No. 6,464,313 were discussed. No agreement was reached during this interview.

Applicants have amended their claims in order to facilitate proceedings in connection with the above-identified application. Specifically, the subject matter of claim 70 has been incorporated into claim 1. In this regard, the Examiner is thanked for the indication in the Office Action that claim 70 would be allowable if rewritten in independent form. See Item 4 on page 3 of the Office Action.

In light of incorporation of subject matter of claim 70 into claim 1, claim 70 has been cancelled without prejudice or disclaimer. In addition, in order to facilitate proceedings in connection with the above-identified application, so as to achieve earliest possible issuance of a U.S. patent based thereon, all of the claims which have been withdrawn from consideration in the above-identified application, listed in Item 4a of the Office Action Summary of the Office Action have been cancelled without prejudice or disclaimer, and, in particular, without prejudice to the filing of a Divisional application directed to the subject matter thereof.

Initially, it is respectfully requested that the present amendments be entered, notwithstanding finality of the Office Action. In this regard, note that the present amendments incorporate subject matter of claim 70 into claim 1, claim 70 having been indicated by the Examiner as being allowable. Clearly, the present

amendments materially limit issues remaining in connection with the above-identified application; and, as claim 1 is the sole remaining independent claim, present all claims in allowable condition. Noting 37 C.F.R. 1.116(b), clearly the present amendments canceling claims should be entered as a matter of right. Furthermore, since the Examiner indicated allowable subject matter for the first time in the Office Action, it is respectfully submitted that the present amendments are clearly timely.

In view of the foregoing, it is respectfully submitted that applicants have made the necessary showing under 37 C.F.R. 1.116(c) and, accordingly, entry of the present amendments is clearly proper.

In view of incorporation of subject matter of claim 70 into claim 1, it is respectfully submitted that the obviousness-type double patenting rejection set forth in the Office Action is clearly moot; accordingly, any further discussion in connection therewith is unnecessary.

The Information Disclosure Statement under 37 C.F.R. 1.97 & 1.98, submitted concurrently herewith is noted. As set forth therein, it is respectfully submitted that all applicable requirements of 37 C.F.R. 1.97 & 1.98 have been satisfied, in connection with the documents submitted therewith. Consideration of the submitted documents, upon further examination of the above-identified application, is respectfully requested.

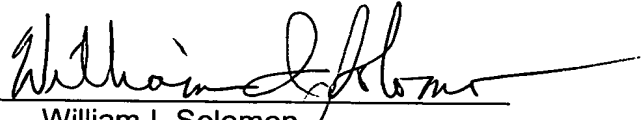
In view of all the foregoing, entry of the present amendments, and reconsideration and allowance of all claims remaining in the above-identified application, in due course, after consideration of the documents submitted with the concurrently filed Information Disclosure Statement, are respectfully requested.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account of Antonelli, Terry,

Stout & Kraus, LLP, Deposit Account No. 01-2135 (Docket No. 501.36694CV4), and
please credit any excess fees to such Deposit Account.

Respectfully submitted,

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